

SL(6)157 – The Food (Withdrawal of Recognition) (Miscellaneous Amendments and Transitional Provisions) (Wales) (EU Exit) Regulations 2022

Background and Purpose

These [Regulations](#) amend a number of statutory instruments in relation to food composition following the UK's withdrawal from the EU, in order to ensure compliance with the World Trade Organization's (WTO) Most Favoured Nation rules.

These Regulations remove mutual recognition clauses that allow certain food products that are lawfully marketed in EU Member States, the EEA or the Republic of Turkey to be sold in the UK, even though they may be non-compliant with legal requirements in the UK.

They also amend the Bread and Flour Regulations 1998 to provide exemptions, in relation to those regulations, for bread or unfortified flour produced in Wales that is to be exported to a third country, and for unfortified flour to be produced in Wales or imported into Wales, provided that it is only used in food that is to be exported to a third country.

The Regulations provide for a transitional adjustment period ending at the end of 30 September 2022, during which the removed exemptions will continue to apply.

Procedure

Negative

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

One point is identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

Despite the removal of exemptions relating to certain foods brought into Wales from other parts of the United Kingdom, these Regulations will be subject to the overriding provisions



of the United Kingdom Internal Market Act 2020 ("UKIMA"), including the mutual recognition principle for goods. As the Explanatory Memorandum is silent as to the effects of the UKIMA on food composition in Wales, the Welsh Government is asked to explain whether it has considered the effects of the UKIMA and if the requirements of that Act could raise any issues in relation to this subject area.

Welsh Government response

A Welsh Government response is required.

Committee Consideration

The Committee considered the instrument at its meeting on 28 January 2022 and reports to the Senedd in line with the reporting point above.

